

REMARKS

Applicant has studied the Final Office Action dated November 28, 2007 and the Advisory Action dated February 13, 2008. Claims 1, 2, 4-17, 21, and 22 are pending. Claims 1, 2, and 4-17 have been amended and claims 18-20 have been canceled without prejudice. New claims 21 and 22 have been added. Claim 1 is the only independent claim. No new matter has been added as the amendments have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claims 1, 2, and 4-17 have been amended to more clearly disclose the invention. It is respectfully submitted that the amendments have support in the application as originally filed. In particular, support for amendments to independent claim 1 can be found, for example, at paragraphs [0035]-[0039] in the specification.

§ 102 Rejection

Claims 1, 2, 4, 8, 9, 11, and 15-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lim (U.S. 2003/0227564). Applicant respectfully disagrees with the Examiner's interpretation of Lim and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

It is respectfully noted that independent claim 1, as amended, recites wherein a frictional plate is positioned between the camera and the deceleration rotational axle, the frictional plate transmitting driving force to the camera when the deceleration rotational axle is driven by the gear motor and stopping without rotation against a manual rotation of the camera when the gear motor is in a power-off state. It is

respectfully submitted that Lim fails to disclose or suggest, at least, the newly recited features in amended independent claim 1.

Accordingly, it is respectfully asserted that independent claim 1 is allowable over the cited reference. It is further respectfully asserted that claims 2, 4, 8, 9, 11, and 15-17, which depend from claim 1, also are allowable over the cited reference at least by virtue of their dependency from the allowable base claim.

§ 103 Rejection

Claims 5-7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lim in view of Kang (US 7,133,691). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

“In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. ‘A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.’ If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned.” (citations omitted.)

With regard to the rejection of claims 5-7, it is respectfully noted that Kang was cited by the Examiner for disclosing a “bushing 42” and an “elastic subpart 44” which are attached to the camera module³⁰ because the Examiner believes that they act as a frictional plate.

With regard to the rejection of claim 10, it is respectfully noted that Kang was cited for disclosing a bushing 42 and an elastic subpart 44 which are attached to the camera module 30 because the Examiner believes that they act as a fixation ring.

However, as discussed in the Amendment filed on September 5, 2007 in response to the Office action dated June 5, 2007, it is respectfully asserted that Kang fails to disclose or suggest the features recited in claims 5-7 and 10. The Examiner has

not responded to the arguments put forth in the previous Amendment and it is respectfully requested that these arguments be addressed.

Moreover, it is respectfully submitted that Kang fails to cure the deficiencies of Lim with regard to the features recited in amended independent claim 1 as discussed above in connection with the rejection of claim 1. Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully asserted that claims 5-7 and 10, which depend from claim 1, also are allowable over the cited references because they, independently or in combination, fail to disclose or suggest the features recited in independent claim 1.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lim. This rejection is respectfully traversed.

As asserted above, independent claim 1 is allowable over Lim. Therefore, it is respectfully asserted that claim 14, which depends from claim 1, also is allowable over the cited reference.

New Claims

With this paper, new claims 21 and 22 have been added. Support for new claims 21 and 22 can be found, for example, in FIG. 10. Since claims 21 and 22 depend from allowable independent claim 1, it is believed that addition of these new claims does not raise any new issue. Accordingly, entry of new claims 21 and 22 to the application is respectfully requested.

It is also believed that claims 21 and 22 are allowable because none of the cited references disclose or suggest that a first axis of revolution of the deceleration gear and a second axis of revolution of the drive gear are the same and a third axis of revolution of the transmission gear is different from the first and the second axes of revolution, as recited in claim 21 or the deceleration gear has teeth on an inner circumferential surface and the transmission gear is adapted to mesh with the drive gear at an inner area of the deceleration gear, as recited in claim 22.

Therefore, it is respectfully asserted that claims 21 and 22, which depend from allowable independent claim 1, are allowable not only by virtue of their dependency

from the allowable base claim, but also by virtue of their distinguishable features over the cited references.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1, 2, 4-17, 21, and 22 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.


No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Date: March 28, 2008

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